

2007 DRAFTING REQUEST

Bill

Received: 01/16/2007

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Alberta Darling (608) 266-5830

By/Representing: dave

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Criminal Law - procedure

Extra Copies:

Submit via email: YES

Requester's email: Sen.Darling@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Legal presence in U.S. as factor in determination of conditions for pre-trial release

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			Local
/1	rryan 03/07/2007	jdyer 03/07/2007	rschluet 03/07/2007	_____	sbasford 03/07/2007	cduerst 04/04/2007	

FE Sent For:

<END>

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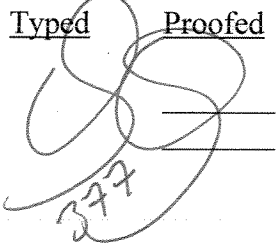
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/?	rryan	13/7jd					Local

FE Sent For:

<END>

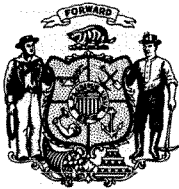
LRB - 1525

1/9/06

Dave in Darling's office:

Conditions of release
969.01(4)

add to considerations - citizenship,
legal residency
relevant to flight risk - if
not here legally more likely to
flee



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-15257

RLR:.....

In 3/7/07

RMP Jkd

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1
2

Gen Cat.
AN ACT...; relating to: considerations for determining conditions of pretrial release for a person accused of committing a crime. ✓

Analysis by the Legislative Reference Bureau

* Currently, a court may impose conditions, including the payment of bail, for the pretrial release of a defendant accused of committing a crime in order to assure the defendant's appearance in court, protect members of the community from serious bodily harm, or prevent the intimidation of witnesses. This bill provides that, in determining conditions of pretrial release a court may consider, for purposes of assuring the defendant's appearance in court, whether the defendant is legally present in the United States. *

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 969.01 (4) of the statutes is amended to read:
4 969.01 (4) CONSIDERATIONS IN SETTING CONDITIONS OF RELEASE. If bail is imposed,
5 it shall be only in the amount found necessary to assure the appearance of the
6 defendant. Conditions of release, other than monetary conditions, may be imposed

1 for the purpose of protecting members of the community from serious bodily harm
2 or preventing intimidation of witnesses. Proper considerations in determining
3 whether to release the defendant without bail, fixing a reasonable amount of bail, or
4 imposing other reasonable conditions of release are: the ability of the arrested person
5 to give bail;[✓] the nature, number, and gravity of the offenses and the potential penalty
6 the defendant faces;[✓] whether the alleged acts were violent in nature;[✓] the
7 defendant's prior record of criminal convictions and delinquency adjudications, if
8 any;[✓] the character, health, residence, and reputation of the defendant;[✓] the character
9 and strength of the evidence which has been presented to the judge;[✓] whether the
10 defendant is currently on probation, extended supervision, or parole;[✓] whether the
11 defendant is already on bail or subject to other release conditions in other pending
12 cases;[✓] whether the defendant has been bound over for trial after a preliminary
13 examination;[✓] whether the defendant has in the past forfeited bail or violated a
14 condition of release or was a fugitive from justice at the time of arrest;[✓] whether, in
15 relation to assuring the defendant's presence in court, the defendant is legally
16 present in the United States;[✓] and the policy against unnecessary detention of the
17 defendant's pending trial.

18 **History:** 1977 c. 187; 1979 c. 112; 1981 c. 183; 1993 a. 486; 1995 a. 77; 1997 a. 232, 283.

(END)

Duerst, Christina

From: Volz, David
Sent: Wednesday, April 04, 2007 3:51 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-1525/1 Topic: Legal presence in U.S. as factor in determination of conditions for pre-trial release

Please Jacket LRB 07-1525/1 for the SENATE.